



ASMMC.013C2

CUSTOMER NO.: 10995

## TERMINAL DISCLAIMER UNDER 37 C.F.R. § 1.321

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TC 1700

Applicant : Suntola et al.  
Appl. No. : 09/855,321  
Filed : May 14, 2001  
For : METHOD FOR GROWING THIN FILMS  
Examiner : Eric Fuller  
Group Art Unit : 1762

## CERTIFICATE OF MAILING

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Postal Service as first-class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

November 25, 2003

(Date)

Andrew N. Merickel, Reg. No. 53,317

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

*Empowerment of Attorney*

Pursuant to 37 C.F.R. § 1.321(b) the undersigned attorney of record is empowered to act on behalf of the Assignee, ASM America, Inc. ("Assignee"), by virtue of a Power of Attorney executed on November 25, 2003, a copy of which is attached.

*Right of Assignee and Ownership*

Assignee represents that it is the owner of a 100 percent interest in the above-identified application by virtue of an assignment recorded at Reel No. 014057, Frame No. 0352 by the Assignment Branch of the Patent and Trademark Office. The Assignee represents that, to the best of Assignee's knowledge and belief, title is in the Assignee seeking to take action.

*Disclaimer by Assignee*

Assignee hereby disclaims, except as provided below, the terminal part of any patent granted on the above-referenced application that would extend beyond the expiration date of the full statutory term of U.S. Patent No. 6,015,590, and hereby agrees that any patent so granted on the above-identified application shall be enforceable only for and during such period that the instant

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application and U.S. Patent No. 6,015,590 are co-owned. This agreement extends to any patent granted on the above-referenced application and shall be binding on its successors or assigns.

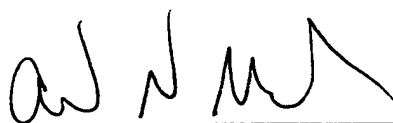
Assignee does not disclaim any terminal part of any patent granted on the above-referenced application prior to the earlier of the expiration date of the full statutory term of U.S. Patent No. 6,015,590, and that of any patent issuing on the above-identified application in the event that either one later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. § 1.321(a), has all claims canceled by a reexamination certificate, or is otherwise terminated prior to expiration of its statutory term, except for the separation of legal title stated above.

This Terminal Disclaimer is accompanied by the \$110 fee set forth in 37 C.F.R. § 1.20(d).

Respectfully submitted,

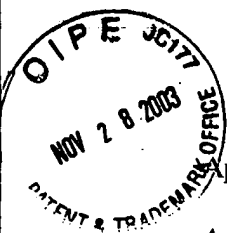
KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: November 25, 2003

By:   
\_\_\_\_\_  
Andrew N. Merickel  
Registration No. 53,317  
Attorney of Record  
Customer No. 20,995  
(415) 954-4114

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

PATENT  
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FILMS )  
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Examiner : Eric Fuller )

ESTABLISHMENT OF RIGHT OF ASSIGNEE TO TAKE ACTION  
AND  
REVOCATION AND POWER OF ATTORNEY

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

The undersigned is empowered to act on behalf of the assignee below (the "Assignee"). A true copy of the original assignment is attached hereto and is recorded in the U.S. Patent and Trademark Office at Reel 014057 and Frame 0352. This Assignment represents the entire chain of title of this invention from the Inventor(s) to the Assignee.

I declare that all statements made herein are true, and that all statements made upon information and belief are believed to be true, and further, that these statements were made with the knowledge that willful, false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that willful, false statements may jeopardize the validity of the application, or any patent issuing thereon.

The undersigned hereby revokes any previous powers of attorney in the subject application, and hereby appoints the registrants of Knobbe, Martens, Olson & Bear, LLP, 2040 Main Street, 14<sup>th</sup> Floor, Irvine, California 92614, Telephone (949) 760-0404, Customer No. 20,995, and Todd Westersund, Reg. No. 45,739, ASM America, Inc., 3440 East University

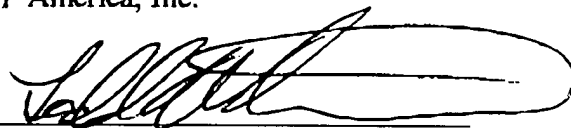
App. No. : 09/855,321  
Filed : May 14, 2001

Drive, Phoenix, AZ 85034, as its attorneys with full power of substitution and revocation to prosecute this application and to transact all business in the U.S. Patent and Trademark Office connected herewith. This appointment is to be to the exclusion of the inventor(s) and his attorney(s) in accordance with the provisions of 37 C.F.R. § 3.71.

Please use **Customer No. 20,995** for all communications.

ASM America, Inc.

Dated: November 25, 2003

By:   
Todd Westersund  
Intellectual Property Officer  
3440 East University Drive  
Phoenix, AZ 85034-7200

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Application No.: 09/855,321  
Filing Date: May 14, 2001

PATENT  
Client Code: ASMMC.013C2  
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### ASSIGNMENT

WHEREAS, We, Tuomo Suntola, a Finnish citizen, residing at Vasamatie 25, FIN-02630 Espoo, Finland, and Sven Lindfors, a Finnish citizen, residing at Nuottamiehentie 8 FIN-02230 Espoo, FINLAND, have invented certain new and useful improvements in a METHOD FOR GROWING THIN FILMS for which we have filed an application for Letters Patent in the United States, 09/855,321 on May 14, 2001;

AND WHEREAS, ASM America, Inc. (hereinafter "ASSIGNEE"), a Delaware Corporation, with its principal place of business at ASM AMERICA, INC. 3440 East University Drive, Phoenix, AZ 85034-7200, desires to acquire the entire right, title, and interest in and to the said improvements and the said Application:

NOW, THEREFORE, in good and valuable consideration, the receipt of which is hereby acknowledged, we, the said inventors, do hereby acknowledge that we have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, the entire right, title, and interest throughout the world in, to and under the said improvements, and the said application and all provisional applications relating thereto, and all divisions, renewals and continuations thereof, and all Letters Patent of the United States which may be granted thereon and all reissues and extensions thereof, and all rights of priority under International Conventions and applications for Letters Patent which may hereafter be filed for said improvements in any country or countries foreign to the United States, and all Letters Patent which may be granted for said improvements in any country or countries foreign to the United States and all extensions, renewals and reissues thereof; and we hereby authorize and request the Commissioner of Patents of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents on applications as aforesaid, to issue all Letters Patent for said improvements to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant and agree that we will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to us respecting said improvements, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing and reissue applications, make all rightful oaths and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper patent protection for said improvements in all countries.

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 7 day of May, 2003

Tuomo Suntola  
Tuomo Suntola

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 14 day of April, 2003

S. Lindfors  
Sven Lindfors